UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,201	04/26/2000	John David Gerthe	10992199-1	9869

22879	7590	04/21/2005

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EXAMINER
BAUGH, APRIL L

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Office Action Summary	Application No.	Applicant(s)
		09/558,201	GERTHE, JOHN DAVID
		Examiner	Art Unit
		April L. Baugh	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☒ This action is **FINAL**.　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3,5-8,10 and 20-23* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3,5-8,10 and 21-23* is/are rejected.

7) ☒ Claim(s) *20* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

Applicant has amended claims 1-3, 5-8,10, and added new claims 20-23, and canceled claims 4,

9, and 11-19 and therefore claims 1-3, 5-8, 10, 20-23 are now pending.

Response to Arguments

1.   Applicant's arguments with respect to claims 1-3, 6-8, and 21-23 have been considered

but are moot in view of the new ground(s) of rejection.

2.   Applicant's arguments filed 5/13/04 in reference to claims 5 and 10 have been fully

considered but they are not persuasive. Applicant argues that claims 5 and 10 (said remote

memory element updates said copy of said first file in response to receiving information

corresponding to a modification of said first file from said remote computing device) are

allowable over the prior art. However the examiner's position is that the limitations of claim 5

and 10 are taught in US Patent No. 5,987,506 to Carter et al. (column 29, lines 38-42)

Carter et al. states, '...a core copy is a copy of a shared page stored on a persistent

storage device...that is updated whenever the contents of that page are modified by any network

node'. Here the core copy is the copy of said first file that is updated. Contents of the page that

are modified by a network node relates to the receiving information corresponding to a

modification of said first file from said remote computing device (the remote computing device

being the network node that modifies the file). Thus Carter et al. teaches the above limitation of

claims 5 and 10.

Allowable Subject Matter

3.   Claim 20 objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

4.   The following is a statement of reasons for the indication of allowable subject matter:

Claim 20 is allowable over the prior art because the prior art does not teach all of the limitations

of the independent claim in combination with the other elements. Specifically, prior art does not

teach wherein, after the remote memory device updates said copy of said first file, said remote

memory device causes said first file to be updated.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

1.   Claims 1-3, 5-8, 10, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent No. 5,987,506 to Carter et al. in view of Vahalia et al (US 6,192,408).

        Regarding claim 1, Carter et al. teaches a method for transparent file proxying (column 1,

lines 15-17 and column 4, lines 56-58), the method comprising: coupling a plurality of

computing devices to a local area network (column 1, lines 20-23), each of said plurality of

computing devices including (column 19, lines 55-61) a memory element containing a plurality

of files (column 1, lines 25-27), at least one of said plurality of computing devices to a wide area

network (column 3, lines 55-58); coupling a remote memory element to said wide area network

(column 2, lines 9-11); said remote memory element configured to maintain a copy of a first file

selected from said plurality of files contained in the memory elements of said plurality of

computing devices; said at least one of said plurality of computing devices to a wide area

communication network; coupling a remote computing device to said remote memory element

(column 1, lines 52-56); intercepting, in said remote memory element, an Internet Protocol (IP)

communication message (column 34, lines 28-31) from said remote computing device, said IP

communication message corresponding to a request from a first user to access a requested file;

providing information corresponding to said copy of said first file to said remote computing

device from said remote memory element without said IP communication message (column 4,

lines 16-22 and column 6, lines 3-7 and 25-28) traversing said wide area communication network

and said local area network if said requested file corresponds to said first file (column 3, lines 1-

5 and column 20, lines 13-15 and 18-20 and column 32, lines 57-61 and column 38, lines 1-6).

Carter et al. does not teach providing information corresponding to said copy of said first

file to said remote computing device from said remote memory element without said IP

communication message traversing said wide area communication network and said local area

network if the first user is authorized to access said requested file. Vahalia et al. teaches

providing information corresponding to said copy of said first file to said remote computing

device from said remote memory element without said IP communication message traversing

said wide area communication network and said local area network if the first user is authorized

to access said requested file (column 19, lines 41-48, 55-65 and column 20, lines 10-15).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention

was made to further modify the computer system for remote access in a globally addressable

storage environment of Carter et al. by providing information corresponding to said copy of said

first file to said remote computing device from said remote memory element without said IP

communication message traversing said wide area communication network and said local area

network if the first user is authorized to access said requested file because this provides security

within the system where users can not access protected documents.

Referring to claim 6, Carter et al. teaches a system (column 44, line 10) for transparent

file proxying (column 1, lines 15-17 and column 4, lines 56-58), comprising: a local area

network to which is coupled a plurality of computing devices (column 1, lines 20-23), at least

one of said computing devices including the ability to route communication packets to said

remaining plurality of computing devices (column 19, lines 55-61), each of said plurality of

computing devices including a memory element containing a plurality of files (column 1, lines

25-27); a communication network coupled to said at least one of said plurality of computing

devices (column 3, lines 55-58); a remote memory element coupled to said communication

network (column 6, lines 10-12); a remote computing device connected to said remote memory

element (column 1, lines 52-56), said remote memory element configured to intercept an Internet

Protocol (IP) communication messages (column 34, lines 28-31) from said remote computing

device; said remote memory element configured to maintain a copy of a first file selected from

said plurality of files contained in the memory elements of said plurality of computing devices;

and wherein said remote memory element is configured to provide information corresponding to

said copy of the first file to said remote computing device in response to said remote memory

element: intercepting said IP communication message (column 34, lines 28-31) from said remote

computing device (column 34, lines 28-31), determining that said file corresponds to said first

file, said IP communication message corresponding to a request from the first user to access said

first file from one of said plurality of computing devices connected to said local network

(column 4, lines 16-22 and column 6, lines 3-7 and 25-28), thus providing information

corresponding to said copy of the first file to said remote computing device without said IP

communication message traversing said communication network and said local area network

(column 3, lines 1-5 and column 20, lines 13-15 and 18-20 and column 32, lines 57-61 and

column 38, lines 1-6).

Carter et al. does not teach wherein said remote memory element is configured to provide

information corresponding to said copy of the first file to said remote computing device in

response to said remote memory element: intercepting said IP communication message from said

remote computing device, determining that the first user is authorized access. Vahalia et al.

teaches wherein said remote memory element is configured to provide information

corresponding to said copy of the first file to said remote computing device in response to said

remote memory element: intercepting said IP communication message from said remote

computing device, determining that the first user is authorized access (column 19, lines 41-48,

55-65 and column 20, lines 10-15). Therefore it would have been obvious to one of ordinary skill

in the art at the time the invention was made to further modify the computer system for remote

access in a globally addressable storage environment of Carter et al. by wherein said remote

memory element is configured to provide information corresponding to said copy of the first file

to said remote computing device in response to said remote memory element: intercepting said

IP communication message from said remote computing device, determining that the first user is

authorized access because this provides security within the system where users can not access

protected documents.

Regarding claim 23, Carter et al. teaches the method of claim 1 (column 1, lines 15-17

and column 4, lines 56-58).

Carter et al. does not teach preventing the user from obtaining information corresponding

to said file from said remote memory element if the user is not authorized access to said file.

Vahalia et al. teaches preventing the user from obtaining information corresponding to said file

from said remote memory element if the user is not authorized access to said file (column 19,

lines 41-48, 55-65 and column 20, lines 10-15). Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to further modify the computer

system for remote access in a globally addressable storage environment of Carter et al. by

preventing the user from obtaining information corresponding to said file from said remote

memory element if the user is not authorized access to said file because this provides security

within the system where users can not access protected documents.

Referring to claim 2 and 7, Carter et al. teaches the method of claim 1 and 6, wherein said

at least one of said plurality of computing devices periodically updates said copy of said first file

maintained in said remote memory element (column 29, lines 38-42).

Regarding claim 3 and 8, Carter et al. teaches the method of claim 1 and 6, wherein said

copy of said first file is chosen to be maintained in said remote memory element based upon at

least one of a plurality of policies, wherein said plurality of policies are chosen from the group

consisting of user policies, group policies and corporate policies (column 29, line 60 through

column 30, line 8).

Regarding claim 5 and 10, Carter et al. teaches the method of claim 1 and 6, wherein, if

the first user is authorized access, said remote memory element updates said copy of said first

file in response to receiving information corresponding to a modification of said first file from

said remote computing device (column 29, lines 38-42).

2.   Claims 21 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent

No. 5,987,506 to Carter et al. in view of Vahalia et al (US 6,192,408) as applied to claims 1-3, 5-

8, 10, and 23 above, and further in view of Hughes et al (US 6,606,650).

Regarding claim 21 and 22, Carter et al. in view of Vahalia et al. teaches the method of

claim 1 and 6, wherein, in determining whether the first user is authorized access to said file

(column 19, lines 41-48, 55-65 and column 20, lines 10-15 of Vahalia et al.).

Carter et al. in view of Vahalia et al. does not teach if the user is authorized access to said

file but a copy of said file is not stored locally by said remote memory device, said remote

computing device forwards said IP communication message via said wide area communication

network and said local area network such that said remote computing device is able to retrieve a

copy of said first file. Hughes et al. teaches if the user is authorized access to said file but a copy

of said file is not stored locally by said remote memory device, said remote computing device

forwards said IP communication message via said wide area communication network and said

local area network such that said remote computing device is able to retrieve a copy of said first

file (column 1, lines 47-56). Therefore it would have been obvious to one of ordinary skill in the

art at the time the invention was made to further modify the computer system for remote access

in a globally addressable storage environment of Carter et al. in view of Vahalia et al. by

preventing the user from obtaining information corresponding to said file from said remote

memory element if the user is not authorized access to said file because this provides security

within the system where users can not access protected documents.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. The following patents are cited to further show the state of the art with respect to

transparent file proxying in general: Shoroff et al., Bachand et al., and Bhide et al.

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L. Baugh whose telephone number is 571-272-3877. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER